REMARKS

The Examiner's indication of allowable subject matter is noted with appreciation.

Claims 1-14 and 21-32 are pending in the application. Non-elected claims 15-20 have been cancelled without prejudice or disclaimer. The elected claims have been amended, where appropriate, to better define the claimed invention. New claims 30-32 readable on the elected invention/species have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been placed in compliance with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The **drawing and specification objections** are believed overcome in view of the above amendments. In particular, the specification has been revised to describe reference numerals 720 and 1414. No drawing correction is deemed required. However, if the Examiner insists otherwise, would he please call the undersigned so that necessary amendment satisfying the Examiner's requirement(s) may be timely filed.

The **claim objection** is also believed overcome in view of the above amendments. In particular, claims 21 and 22 have been amended to include explicit transitional phrases, i.e., "comprising" and "wherein."

The **art rejections relying primarily on _Judge_** (US 7096,498) are traversed, because the reference fails to teach or suggest all limitations of at least independent claims 21 and 22 which have been amended to include explicit transitional phrases and limitations similar to those of independent claim 1 which is not rejected primarily over _Judge_. The art rejections relying primarily on _Judge_ of claims 21-23 and 25-29 are therefore believed overcome.

Of particular note, Applicants respectfully submit that the "white list" disclosure of _Judge_ is not relevant to the invention of at least independent claim 22, at least because the _Judge_ white list is generated from popular destinations (as described at the top of column 26), i.e., the white list is still used to regulate _incoming_ traffic, not outgoing traffic as recited in independent claim 22, i.e., "dispatch." _See_, also _Judge_ at FIG. 9 and column 25, especially lines 33-38 reproduced herein

below:

> "For instance, messages <u>from</u> more frequently used outbound address can bypass 925
> interrogation completely whereas messages from less frequently used outbound addresses
> can be subjected to adaptive message interrogation" (emphasis added)

What *Judge* is disclosing is filtering incoming traffic based on source address with a list of acceptable source addresses (that is, a "white list") being created, for example, from the most popular external destinations. Note that the message filtering being discussed by *Judge* takes place at a local network gateway (in Figure 2, at 210) and "incoming" messages are those coming into the local network and outgoing messages are those leaving the local network; in Fig. 9 message delivery is to hosts on the local network not to the external hosts. This means that the white list is composed of hosts taken from a completely different set (the set of external hosts) to which messages are output by the apparatus 210 of *Judge*. The "white lists" in *Judge* are thus used to control <u>inbound</u> traffic to destinations not in the white list itself. In contrast, independent claim 22 recites allowing <u>dispatch</u> of communications to network entities in the dispatch record (i.e., "to whom a communication has been sent") and so is patentably distinguished from *Judge*.

Withdrawal of the art rejections relying primarily on *Judge* is now believed appropriate and therefore respectfully requested.

The **double patenting** rejections are believed overcome in view of the amendments made in the instant application and/or the amendments made in the copending related applications.

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For example, <u>current</u> claim 1 [1] of Serial No. 10/457,091, singly or in combination with *Judge*, does not appear to teach or disclose the amended limitation of independent claims 1, 21 and 22, e.g., "limiting contact of the first host to other hosts within the network over the course of a first time interval, by <u>allowing</u> the first host to contact any hosts in the first record <u>while preventing</u> the first host from contacting more than a predetermined number of hosts not in the set of records" of claim 1 and the similar language in independent claims 21 -22.

Likewise, current claim 3 [2] of Serial No. 10/678,694, current claim 14 [3] of Serial No. 10/697,645, and current claim 1 [4] of Serial No. 10/833,057, singly or in combination with *Judge*,

do not appear to teach or disclose the above discussed amended limitation of independent claims 1, 21 and 22.

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[1] 1. A method of restricting propagation of viruses in a network having a plurality of hosts, said method comprising the steps of:
monitoring network traffic from a first host of the plurality of hosts and establishing a record which is at least indicative of identities of hosts to whom data has been sent by the first host; and
limiting passage of data from the first host to other hosts within the network over the course of a first time interval, so that during the first time interval the first host is able to send data to no more than a predetermined number of hosts not in the record.

[2] Note "transmitting <u>all</u> requests to send data" in claim 1 of Serial No. 10/678,694.

[3] 14. A computing entity adapted to process a request to send an email to multiple recipients by:
comparing the number of recipients in the request with a threshold value;
if the number of recipients is greater than the threshold value, inhibiting transmission of the email to at least some of the recipients;
adjusting the threshold value by
reducing said threshold value with each transmission of the email to one of the recipients , and
incrementing said threshold value with the passage of each time interval in which the email is not transmitted to any of the recipients; and
allowing transmission of the email to at least one of said at least some of the recipients when the threshold value is incremented to a value equal to the number of said at least some of the recipients.

[4] 1. A method of operating a first host within a network of a plurality of hosts comprising the steps of:
over the course of a first time interval, monitoring requests received at the first host from a second host to send data to destination hosts;
comparing destination hosts identified in requests monitored during the first time interval with destination host identities in a record; and
        at least one of:
storing in a buffer data relating to requests which identify a destination host not in the record; or
limiting passage of data from the second host to destination hosts within the network over the course of the first time interval, so that during the first time interval the second host is unable to send data via the first host to more than a predetermined number of destination hosts not in the record.

Withdrawal of the double patenting rejections is now believed appropriate and therefore respectfully requested.

Indication of **allowable subject matter** of claims 9-10 which include limitations similar to allowable claim 24 is believed appropriate and therefore respectfully requested.

New claims 30-32 corresponding to claims 3, 4, and 11, respectively, are patentable for at least the reasons presented above with respect to independent claim 22.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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